

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Edward Tsigel	Team: Squad #4	CCRB Case #: 201909471	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/17/2019 10:30 PM	Location of Incident: Van Siclen Avenue between Blake Avenue and Dumont Avenue	Precinct: 75	18 Mo. SOL 4/17/2021	EO SOL 12/2/2021	
Date/Time CV Reported Wed, 10/30/2019 2:26 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/30/2019 2:26 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Brandon Gentz	09505	961785	075 PCT
2. POM Neil Narayan	19284	966239	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brandon Gentz	Abuse: Police Officer Brandon Gentz stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Neil Narayan	Abuse: Police Officer Neil Narayan stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Brandon Gentz	Discourtesy: Police Officer Brandon Gentz spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On October 30, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On October 17, 2019, at approximately 10:30 PM, Police Officer Brandon Gentz and Police Officer Neil Narayan, of the 75th Precinct, pulled § 87(2)(b) over on Van Siclen Avenue between Blake Avenue and Dumont Avenue in Brooklyn (**Allegations A and B - Abuse of Authority - § 87(2)(g)**). PO Gentz allegedly spoke discourteously to § 87(2)(b) (**Allegation C - Discourtesy - § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

No arrests were made, or summons issued as a result of this incident.

The CCRB received Body Worn Camera (BWC) footage of this incident (BR 04,05).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Brandon Gentz stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Neil Narayan stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) was driving his girlfriend's (§ 87(2)(b)) black Mercedes Benz westbound on Van Siclen Avenue in Brooklyn when he was pulled over by PO Gentz and PO Narayan. PO Gentz told him that he was pulled over for having his tail light out (BR 01). § 87(2)(b) did not know if the tail light of the car was out during the incident, and he never checked if the tail light was out after the incident. § 87(2)(b) did not remember the car requiring any repairs after the incident.

PO Gentz (BR 02) and PO Narayan (BR 03) stated that they made a joint decision to pull § 87(2)(b) over because they observed either a broken tail light or a broken brake light on the driver's side of § 87(2)(b)'s vehicle. PO Gentz and PO Narayan stated that they used their discretion and decided that they would not issue § 87(2)(b) a summons because it was a minor offense.

From 3:25 to 3:32 of PO Narayan's BWC footage (BR 05), the rear lights of § 87(2)(b)'s vehicle are seen; however, it is inconclusive whether they are working properly or if they are illuminated from the front lights of the officers' vehicle. The condition of the brake lights cannot be seen because the vehicle is stationary through the duration of the BWC. The lights of § 87(2)(b)'s vehicle cannot be seen in PO Gentz's BWC footage (BR 04).

New York State Vehicle and Traffic Law - Section 375-2a (BR 06) states that a motor vehicle must have at least two red lighted lamps on the rear, one on each side, which must be visible for a distance of at least one thousand feet. New York State Vehicle and Traffic Law - Section 375-40b (BR 07) states that every motor vehicle, except a motorcycle, operated or driven upon the public highways of the state shall be equipped with at least two stop lamps, one on each side, each of which shall display a red to amber light visible at least five hundred feet from the rear of the vehicle when the brake of such vehicle is applied.

§ 87(2)(g)

Allegation (C) Police Officer Brandon Gentz spoke discourteously to § 87(2)(b)

§ 87(2)(b) (BR 01) stated that he provided his license and registration to PO Gentz. PO Gentz and PO Narayan went back to their marked car for approximately three minutes and then returned to § 87(2)(b)'s car. PO Gentz told § 87(2)(b) that he was going to turn off his BWC and talk with § 87(2)(b). PO Gentz had his hand on his BWC, however § 87(2)(b) did not know whether PO Gentz pushed the button to turn off the BWC. PO Gentz told § 87(2)(b) that

he had a warrant, however § 87(2)(b) was lucky because PO Gentz and PO Narayan were only doing traffic stops that day. § 87(2)(b) responded, “Okay.” PO Gentz said, “You need to fucking listen when the police are talking to you” and, “Do what you are fucking told.” PO Gentz and PO Narayan then walked back to their marked car and drove away.

Body-worn camera footage from PO Gentz (BR 04) and PO Narayan (BR 05) does not capture either officer using any profanity during the incident. The BWC footage starts after the officers already requested § 87(2)(b)'s information and ends immediately after PO Gentz hands § 87(2)(b)'s information back to him. Both officers remained standing beside § 87(2)(b)'s car when the BWC footage ends. The BWC footage does not capture the events prior to receiving § 87(2)(b)'s information, and after returning § 87(2)(b)'s information, and the first thirty seconds of each BWC video does not contain audio.

Both PO Gentz (BR 02) and PO Narayan (BR 03) denied saying, or hearing each other say any of the alleged phrases or using any other profane language towards § 87(2)(b). Both officers stated that they turned off their BWCs was because the incident concluded and there was no further interaction with § 87(2)(b).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Brandon Gentz has been a member of service for three years and has been a subject in five other CCRB complaints and eight other allegations, of which one complaint is ongoing at the time of this report.
 - 201802866 involves an allegation of a vehicle stop. This allegation was closed as exonerated.
 - 201806389 involves a discourtesy allegation. This case was closed as victim uncooperative.

- 201807584 involves a discourtesy allegation. This case was closed – pending litigation.
- 201904933 involves an allegation of a vehicle stop. This case is ongoing at the time of this report.
- PO Neil Narayan has been a member of service for one year and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of criminal convictions in New York City (BR 12).
- As of January 23, 2020, results for a FOIL regarding a Notice of Claim sent to the NYC Comptroller's Office are pending.

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date